

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION
☐ Western (Memphis) DIVISION

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Toshia Tutwiler

Plaintiff,

vs.

Williams Sonoma

Chandrice Lynn

Phyllis Brown

Defendant.

No. _____

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

7759 NASH DR #106
STREET ADDRESS
Shelby, TN., 38125, 901(201-2804)
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

8005 Polk Ln. Olivebranch Ms. 38654
STREET ADDRESS
Olivebranch Ms., 38654
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

Williams Sonoma 8005 Polk Ln
Candace Lynn (AKA Belle) - 7675 Brookbriar Cr 38125
Phyllis Brown - 3378 Hanna Apts. TN.

5. The address at which I sought employment or was employed by the defendant(s) is:

William Sonoma 8005 Polk Ln Olivebranch
2 Ms. 38654

STREET ADDRESS

_____, Olivebranch Ms., 38654.
 County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

☐

Failure to hire

☒

Termination of my employment

☐

Failure to promote

☒

Failure to accommodate my disability

☐

Unequal terms and conditions of my employment

☒

Retaliation

☐

Other acts(*specify*): Failure to handle the situation properly and will not give the police any report.

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

7-18-18
 Date(s)

8. I believe that the defendant(s) (*check one*):

☒

is still committing these acts against me.

☐

is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:

(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☐ Race _____

☐ Color _____

☐ Gender/Sex _____

☐ Religion _____

☐ National Origin _____

☒ Disability _____

☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was ☒ more ☐ less than 40 years old. (check one)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows: *That I am hurting everyday because of my injuries. I was falsely Accused of how the incident happened. I could've die that day with the other employee (Delle) Choked me around some tables down to the floor and still on top of me and then I grabbed her hair and wrapped my legs around her to get her off of me. The lead had already taken her from my table to defuse the situation but her mother Phylis Brown had ran from her table and snatched her daughter from the lead then tells her to get at me and then her daughter ran to me put her finger in my face and touched my nose and said Bitch I will beat your ass repeatedly. So I told her to please leave my table then I grabbed her finger from my nose and then she grabbed me around my neck and started choking me.*
- (Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the one of the leads Marco got (Adan dria (Delle)) off of me while on the floor. I think it was retaliation on Phylis Brown because two weeks before this happen that I stop riding to work with

this because I was being used and Plus
Phylis had gotten wrote up for talking
very bad to the people she was training to
where they told the manager and she went to
our manager about. She had some of them crying
because she cursed them out so bad and she told
them to clean their pussy & dicks and called them
retards. They told her that she couldn't train
the people anymore then gave them all to me because
I was training as well. Phylis Brown should've
been fired because of what she did and if she
would've been fired she wouldn't have been able
to pull her daughter from Tony the lead so her daughter
can attack me. I don't think it fair to me because
I was at my desk trying to do my job. ~~Phylis Brown~~
~~and mentioned that I called her boyfriend~~
I have the right to defend myself

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: _____
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 6-25-19
Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. *(check one)*:

- ☒ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I **received** on 6-27-19.
Date

NOTE: *This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.*

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: *You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.*

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: _____

☒ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: _____

Joshua Gutwiler
SIGNATURE OF PLAINTIFF

Date: Sept. 25-2019

7759 Nash Dr #106
Address

Memphis TN. 38125
901 (281-2804)
Phone Number